

**OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jason Kelley, Senior Planner
DATE: November 19, 2008

SUBJECT: **CONDITIONAL USE PERMIT NO. 2008-039 (THE GOOD DAY CAFÉ**

LOCATION: 4911 Warner Avenue, Suite 102, Huntington Beach, CA 92649, (northeast corner of Warner Avenue and Green Street0.

Applicant: Debbie Rosetti-Colagion, 4911 Warner Avenue, Suite 102, Huntington Beach, CA 92649

Property Owner: Arthur Jan Jr. D.M.D., 17444 Beach Blvd., Huntington Beach, CA 92647

Request: To permit the sale of alcoholic beverages for onsite consumption at an existing restaurant.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: CG (Commercial General)

General Plan: CG-F1 (Commercial General-0.35 Permitted Density)

Existing Use: Restaurant

RECOMMENDATION: Approval based upon suggested findings and conditions for approval.

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of the operation of an existing commercial business involving negligible or no expansion of the use beyond that previously approved.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-039:

1. Conditional Use Permit No. 2008-039 to permit the sale of alcohol for onsite consumption at an existing 1,260 sq. ft. restaurant will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed alcohol sales will not generate additional noise, traffic, and demand for parking or other impacts detrimental to surrounding properties and inconsistent with the subject property's commercial zoning. The sales and consumption of alcoholic beverages will be within the interior of the building only. The building is surrounded by parking to buffer adjacent uses from potential negative noise impacts. The entrance to the restaurant is oriented toward the streets and adjacent commercial uses.
2. The conditional use permit will be compatible with surrounding uses because the sale and consumption of alcoholic beverages is ancillary to the previously approved restaurant use and will occur entirely within the interior of the building. The restaurant is a commercial use within a commercial corridor intended to serve the surrounding residential population.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The onsite sale and consumption of alcoholic beverages will be limited to the interior of the building. Alcohol sales are permitted in the CG (Commercial General) zone, subject to conditional use permit approval. No new construction is proposed.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General - .35 max FAR) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 7.1.2: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

LU 10.1.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City and capitalize on Huntington Beach's recreational resources.

The requested conditional use permit will accommodate existing development by allowing alcohol sales at a previously approved restaurant. The proposed use will serve the needs of local residents and visitors to the City by providing for additional dining service and menu options.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-039:

1. The site plan and floor plans received and dated September 24, 2008 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Any outdoor advertisement or banner promoting the sales of alcohol shall be prohibited. **(PD)**

- b. The consumption and sales of alcoholic beverages shall be restricted to the interior of the business. **(PD)**
 - c. The establishment shall provide full meal services until one hour prior to closing. **(PD)**
- 3. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by ABC, shall be submitted to the Planning Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
- 4. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations or floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
- 5. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

